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IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

REBECCA T. SHUMYE,  
Plaintiff(s),

No. C-06-3322 MJJ (MEJ)

vs.

SAMUEL D. FELLEKE,  
Defendant(s).

NOTICE AND ORDER OF FURTHER  
SETTLEMENT CONFERENCE

TO ALL PARTIES and their Attorneys of Record:

PLEASE TAKE NOTICE that this case has been referred for a Further Settlement Conference before Magistrate Judge Maria-Elena James. The Settlement Conference shall take place on **August 8, 2008 at 10:00 a .m. in Judge James' chambers**, located at the Federal Building, 450 Golden Gate Avenue, 15th Floor, San Francisco, California 94102. **The parties shall immediately notify the Court if this matter settles or is dismissed before the settlement conference date.** On the date of the settlement conference, counsel and parties shall use the telephone adjacent to chambers' security entrance to notify the Court of their arrival. The parties shall notify the Court if the matter has settled or been dismissed before the date of the conference. Settlement Conference statements shall be submitted in accordance with Magistrate Judge James' STANDING ORDER RE: SETTLEMENT CONFERENCE PROCEDURES, a copy of

1 which is enclosed herewith.

2 Please contact the Courtroom Deputy Clerk, Brenda Tolbert, at (415) 522-4708 with any  
3 questions.

4 IT IS SO ORDERED.

5 Dated: June 11, 2008



6 MARIA-ELENA JAMES  
7 United States Magistrate Judge

1  
2                   UNITED STATES DISTRICT COURT  
3                   NORTHERN DISTRICT OF CALIFORNIA

4                   STANDING ORDERS RE: SETTLEMENT CONFERENCE PROCEDURES  
5                   FOR CASES REFERRED TO MAGISTRATE JUDGE MARIA-ELENA JAMES

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6                   IN ALL CASES referred to Magistrate Judge Maria-Elena James for a settlement  
7 conference, the parties shall follow the following procedures:

8                   **SETTLEMENT CONFERENCE PROCEDURES.**

9                   Prior to filing a settlement conference statement, counsel shall discuss all settlement positions  
10 with their clients.

11                   **THE SETTLEMENT CONFERENCE STATEMENT.**

12                   SUBMISSION: Not later than seven (7) calendar days prior to the settlement conference,  
13 each

14 party shall submit a Settlement Conference Statement addressed to Magistrate Judge James  
15 DIRECTLY to the United States District Court Clerk's Office in San Francisco, located at 450  
16 Golden Gate Avenue, 16th Floor, P.O. Box 36060, San Francisco, California 94102. Settlement  
17 Conference Statements should be submitted in a sealed envelope. Envelopes should be prominently  
18 marked CONFIDENTIAL - SETTLEMENT CONFERENCE STATEMENT - DO NOT FILE.

19                   **Settlement Conference Statements shall not be filed with the Clerk of the Court, and  
20 shall not be served upon other parties or their counsel. Only the Court and its personnel shall  
21 have access to these statements. Under no conditions shall other parties or counsel have access  
22 to these statements.**

23                   CONTENT: The form and content of the Settlement Conference Statement will vary  
24 depending on the case. Generally, the Settlement Conference Statement shall include the following:

- 25                   1. Statement of Facts. A brief description of the facts giving rise to the case.
- 26                   2. Summary of Proceedings. A brief summary of the proceedings to date.
- 27                   3. Undisputed Matters. A plain and concise statement of all material facts not in dispute,  
28 including a statement of disputed matters which have been resolved by stipulation.
- 29                   4. Disputed Issues of Fact. A plain and concise statement of the material facts that remain  
30 in dispute.

31                   5. Disputed Issues of Law. A brief statement of the disputed points of law, including  
32 reference to specific statutes and decisions relied upon. Extended legal argument is not appropriate.  
33 Reference may be made to Points and Authorities previously filed.

34                   6. Relief Sought. A statement of the relief sought, including a particularized itemization of  
35 all elements of damages.

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2       8. Prior Settlement Discussions. A chronological summary of prior settlement activity  
between the parties including settlement offers and responses thereto.  
3

4       9. Settlement Analysis. A brief and forthright evaluation of the strengths and weaknesses  
of the party's case and the probabilities of prevailing on the major issues in dispute.  
5

6       10. Discrete Issues. Identify and, if appropriate, prioritize any discrete issues which, if  
resolved, would aid in the disposition of the case.  
7

8       11. Current Settlement Position. Set forth a reasonable proposal of settlement.  
9

10      THE SETTLEMENT CONFERENCE.  
11

12      All parties and their counsel of record are required to attend the settlement conference. Each  
party must attend the conference having full authority to negotiate and settle the case. If a party is  
13 indemnified by a non-party indemnitor, including but not limited to, indemnification pursuant to an  
insurance policy, the indemnitor, and the indemnitor's counsel, if necessary, must also attend the  
conference and have authority to settle the case.  
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15      Counsel who attends the settlement conference without the full authority to settle may be  
subject to sanctions, pursuant to Federal Rule of Civil Procedure 16(f).  
16

17      Only upon written showing of good cause, submitted at least fourteen calendar days prior to  
the settlement conference, will the Court excuse a party or Counsel from mandatory attendance of  
the settlement conference. Parties or Counsel may only be excused from attending the settlement  
conference upon written authorization from Judge James. Parties or Counsel who fail to attend the  
settlement conference without authorization from Judge James may be subject to sanctions, pursuant  
to Federal Rule of Civil Procedure 16(f).  
18

19      In rare circumstances, upon written showing of good cause, submitted at least fourteen  
calendar days prior to the settlement conference, Judge James may authorize a party or Counsel to  
be available by telephone for purposes of authorizing settlement ONLY.  
20

21      Counsel is responsible for notifying their clients of the settlement conference's time, date, and  
all rescheduling of the settlement conference.  
22

23      **To reschedule a settlement conference, counsel shall contact the Deputy Clerk at (415)  
522-4708 to obtain a new date and time, no later than seven court days prior to the scheduled  
settlement conference. Counsel shall confirm the new date and time with opposing counsel.  
Thereafter, counsel shall file a joint stipulation which states that the settlement conference is  
rescheduled and sets forth the new time and date of the settlement conference. The Court will  
not reschedule a settlement conference upon unilateral request of counsel and the settlement  
conference will remain on calendar for the originally noticed time and date until the Court  
receives said joint stipulation. Counsel who fails to coordinate the rescheduling of the  
settlement conference with opposing party, or fails to file said joint stipulation at least three  
Court days prior to the scheduled settlement conference may be subject to sanctions, pursuant  
to Federal Rule of Civil Procedure 16(f).**  
24

25      If the case is settled in advance of the settlement conference, the parties MUST notify Judge  
James' chambers by telephone and in writing as soon as possible. Failure to do so may subject the  
parties to sanctions, pursuant to Federal Rule of Civil Procedure 16(f).  
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3 IT IS SO ORDERED.  
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Date: September 19, 2005

  
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MARIA-ELENA JAMES  
United States Magistrate Judge

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2                   UNITED STATES DISTRICT COURT  
3                   FOR THE  
4                   NORTHERN DISTRICT OF CALIFORNIA

5                   REBECCA T SHUMYE,

6                   Plaintiff,

7                   v.

8                   SAMUEL D FELLEKE et al,

9                   Defendant.

10                   Case Number: CV06-03322 MMC

11                   **CERTIFICATE OF SERVICE**

12 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

13 That on June 11, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

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17                   Rebecca T. Shumye  
18                   c/o Etaferahu Hudson  
19                   P.O. Box 10832  
20                   Oakland, CA 94610

21  
22                   Tesfaye Wolde Tsadik  
23                   Law Offices of Tesfaye Tsadik  
24                   1736 Franklin Street  
25                   10th Floor  
26                   Oakland, CA 94612

27                   Dated: June 11, 2008

28                   Richard W. Wiking, Clerk  
29                   By: Brenda Tolbert, Deputy Clerk